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Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Visit to Ukraine undertaken from 19 to 25 May and from 5 to 9 September 2016: observations and recommendations addressed to the State party

**Report of the Subcommittee*, **

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 3 February 2017. On 27 April 2017, Ukraine requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** The annexes to the present document are being circulated as received, in the language of submission only.

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I. Introduction

1. In accordance with its mandate under articles 11 and 13 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment undertook its second visit to Ukraine in 2016. The visit, which commenced on 19 May 2016, was suspended by the Subcommittee on 25 May because of a lack of cooperation; the second part of the visit was undertaken from 5 to 9 September 2016.

2. In May 2016, the Subcommittee sought to visit a broad range of institutions in different parts of the country, including pretrial and temporary detention centres, penitentiary institutions, a mental health hospital, a social care institution and facilities under the authority of the State Security Service (see annex I). However, the Subcommittee was unable to fully implement its mandate, having been denied access to all but one State Security Service facility and having experienced delays in respect of the one facility to which access had not been denied, so that the delegation could not have confidence in the integrity of its findings.

3. In addition, despite the cooperation of the authorities during the preparatory phase of the visit, the Subcommittee was not provided a full, comprehensive list of all places of deprivation of liberty and their addresses. Moreover, the credentials provided did not fully accord with the terms of Subcommittee requests and the standards of access required by the Optional Protocol.

4. Concluding it would therefore be unable to fulfil its Optional Protocol-mandated functions, the delegation decided, in consultation with the Bureau of the Subcommittee, to suspend the visit on 25 May 2016. It gave the reasons for the suspension orally and confidentially to the Ukrainian authorities, while briefly summarizing its preliminary observations to date.

5. Following positive talks with the Government of Ukraine, the Subcommittee recommenced and ultimately concluded its visit in September 2016, during which time it visited or revisited nine pretrial and temporary detention centres, in addition to State Security Service facilities. During that period, the delegation was granted full and immediate access to all the places it wished to visit. Nevertheless, the Subcommittee remains concerned at what appears to have been a policy of "sanitizing" facilities prior to its visit in order to minimize the chances of it identifying possible causes for concern; the Subcommittee was left with the clear impression that some rooms and spaces had been cleared in order to suggest that they had not been used for detention.

6. In addition to visiting places of deprivation of liberty, the Subcommittee held discussions with relevant government authorities, the national preventive mechanism and civil society organizations, as well as with representatives of the United Nations and other international organizations in the country (see annex II). The Subcommittee conducted interviews with persons deprived of their liberty, law enforcement officials, medical personnel and staff of detention facilities. The Subcommittee thanks all parties for the valuable information provided and, especially, the United Nations human rights monitoring mission in Ukraine for its technical support.

7. In Ukraine, the Subcommittee was represented by Malcolm Evans (Subcommittee Chair and head of delegation), Victor Zaharia (focal point on reprisals), Mari Amos (in May 2016), June Caridad Pagaduan Lopez (in May 2016) and Marija Definis-Gojanović (in September 2016). The Subcommittee was assisted by human rights officers and security officers from the Office of the United Nations High Commissioner for Human Rights and by interpreters.

8. The Subcommittee considers that its mandate extends over the entirety of the internationally recognized territory of Ukraine, in line with General Assembly resolution 68/262. Despite seeking to visit places of deprivation of liberty in areas of the Donetsk region under the control of armed groups, the Subcommittee regrets that it was ultimately unable to obtain access to those places as it is aware of grave concerns relating to the situation of persons deprived of their liberty with which it was unable to engage.

9. The present report contains the overall findings and recommendations concerning the prevention of torture and ill-treatment of persons deprived of their liberty (also referred to as "detainees" and "detained persons") in Ukraine. In drafting it, the Subcommittee took into consideration the report on its first visit to Ukraine, undertaken in 2011, and the implementation of the recommendations made therein (CAT/OP/UKR/1). The term "ill-treatment" is used to refer to any form of cruel, inhuman or degrading treatment or punishment.[1]

10. **The Subcommittee requests that the Ukrainian authorities reply within six months of the date of transmittal of the present report, giving an account of the actions taken and a road map for full implementation of the recommendations contained herein.**

11. The report is a tool on which to base a dialogue between the Subcommittee and the Ukrainian authorities on the prevention of torture and other forms of ill-treatment. In it, the Subcommittee makes general observations that are applicable to numerous places of deprivation of liberty (also referred to as "places of detention"), with a view to the authorities implementing the recommendations made in specific institutional contexts. While not all places are mentioned in the report, the Subcommittee reserves the right to comment on any place visited in its future dialogue with the State party. The absence of any comment in the report relating to a particular institution visited by the Subcommittee does not imply either a positive or a negative finding in relation to it. The Subcommittee believes that a round-table discussion on follow-up measures would be the most effective and efficient way of furthering dialogue on the issues raised.

12. **The Subcommittee recommends that the State party include in its reply an account of how recommendations will be implemented both in specific institutions and, where appropriate, at the general policy level. It also recommends that, in its reply, the State party include proposals for ways in which the Subcommittee could provide further assistance and advice in furtherance of its mandate under article 11 of the Optional Protocol.**

13. The present report will remain confidential until such time as the State decides to make it public, as provided for in article 16 (2) of the Optional Protocol. The Subcommittee firmly believes that the publication of the report would contribute positively to the prevention of torture and ill-treatment in the State party, as the widespread dissemination of the recommendations would foster a transparent and fruitful national dialogue on the issues covered. **The Subcommittee therefore recommends that the State party permit the report to be published. The Subcommittee further welcomes the oral commitment of the State party to doing so.**

14. Furthermore, the Subcommittee draws the State party's attention to the Special Fund established pursuant to article 26 of the Optional Protocol. Recommendations contained in Subcommittee visit reports that have been made public can form the basis of an application for the financing of specific projects through the Fund.[2]

II. National preventive mechanism

15. The designation of the Ukrainian Parliament Commissioner for Human Rights (the Ombudsman) as the national preventive mechanism has been one of a number of positive developments since the Subcommittee's first visit. Moreover, the creation of a dedicated department within the Ombudsman's Office indicates a recognition of the specialization needed to carry out national preventive mechanism functions (see CAT/OP/UKR/1, paras. 14-16).

16. Despite this positive development, the Subcommittee is concerned that the national preventive mechanism lacks sufficient resources to fully carry out its Optional Protocol-mandated functions, particularly given the thousands of places of detention that exist in Ukraine. While benefiting from productive relationships with international and regional

[1] See the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 16.

[2] See www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx.

networks that have enabled the mechanism to increase its capacity, the Subcommittee is concerned that the mechanism's autonomy may be compromised if it must rely on international donors in order to be fully functioning.

17. The Subcommittee notes approvingly that the national preventive mechanism has conducted hundreds of visits to places of detention, many of them unannounced. In addition, the Subcommittee notes that the mechanism has a strong relationship with civil society, regularly involving civil society actors in its visits and consultations, as well as in its core structure. Nevertheless, the Subcommittee is concerned that the mechanism is not able, in practice, to visit every place of deprivation of liberty given that it has limited access to State Security Service premises, where people may be held for investigative purposes.

18. The Subcommittee considers that the mechanism's preventive activities could be strengthened. In particular, it notes that the mechanism suffers from not being perceived as an entity separate from the Ombudsman's Office. The Subcommittee also notes that much of the mechanism's work is in fact undertaken in response to individual complaints. Moreover, the Subcommittee understands that there is no established procedure through which the State will consider the implementation of the mechanism's recommendations.

19. **Recalling that article 18 (3) of the Optional Protocol obliges States parties to provide national preventive mechanisms with the resources necessary to undertake their work, the Subcommittee recommends that the national preventive mechanism of Ukraine be provided with a budget that is sufficient to enable it to accomplish all mandated tasks. The Subcommittee recommends that such funding be provided through a separate line in the national annual budget referring specifically to the national preventive mechanism (see CAT/C/57/4, annex, paras. 11-12). It also recommends that sufficient funds be allocated to allow the mechanism to carry out its visiting programme, to engage outside experts as and when appropriate, to increase its staffing and to regularly benefit from training, in accordance with its workplan.**

20. **In determining what constitutes a place of deprivation of liberty, the Subcommittee recommends that the State party adopt an approach that maximizes the preventive impact of the mechanism (see CAT/C/57/4, annex, paras. 1-3). In addition, the Subcommittee recommends that the State party ensure that the mechanism has the legal authority and practical capacity to access any place where it, the mechanism, believes that people are or may be deprived of their liberty, in accordance with article 4 of the Optional Protocol.**

21. **Furthermore, the Subcommittee recommends that the State party assist the mechanism in increasing its public profile so that its mandate and work are more widely recognized and known. This might include, for example, coordinating public awareness campaigns, distributing materials on the mandate and activities of the mechanism in various languages to detention personnel, detainees and civil society, and informing associations of service users, lawyers and the judiciary of the mechanism's mandate. The Subcommittee also recommends that the State party establish an institutional means to systematically consider and discuss, with the mechanism, the implementation of the mechanism's recommendations and annual report.**

III. Overarching issues

A. Legal framework

Positive developments

22. A number of positive legal developments have taken place in Ukraine since the Subcommittee's 2011 visit. In particular, the revision of the Criminal Procedure that allows greater use of non-custodial measures during criminal proceedings has resulted in a noticeable reduction in the number of pretrial detainees (see CAT/OP/UKR/1, paras. 59-60, 65-66 and 97-98). This has reduced overcrowding and contributed to improving the provision of services. In addition, the 2011 Law on Free Civil Legal Aid has significantly improved the legal aid system in the State party (see CAT/OP/UKR/1, paras. 28-29), while

the 2015 human rights action plan proposes to strengthen measures against torture and ill-treatment.

23. **The Subcommittee welcomes the positive reforms to the legal system of Ukraine, as they are likely to help reduce the risk of torture and ill-treatment. It recommends that the State party implement the 2015 human rights action plan, including the commitments made to further develop its registry system, strengthen the national preventive mechanism and bolster the system for investigating torture and ill-treatment.**[3]

Criminalization of torture

24. The Subcommittee remains concerned that the Criminal Code does not incorporate into Ukrainian law all elements of the crime of torture as defined by article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see CAT/OP/UKR/1, paras 18-20). In particular, the Subcommittee is concerned that article 127 of the Code, which defines the offence of torture in national legislation, fails to reflect the "public official" component of the crime; further, it restricts the definition to include only suffering as a result of physically violent acts. Moreover, the Subcommittee has been informed that acts that could amount to torture and ill-treatment under article 1 of the Convention against Torture are in practice prosecuted under articles of the Criminal Code relating to abuse of power or authority.

25. **The Subcommittee reiterates its previous recommendation that provisions of the Criminal Code regarding the definition of torture should be brought into full compliance with article 1 of the Convention against Torture, thereby closing actual or potential loopholes for impunity.**[4] **In addition, the Subcommittee recommends that the offence of torture be prosecuted under the provision relating to torture — rather than under those relating to abuse of power or authority — and that acts of torture and ill-treatment be made punishable by penalties commensurate with their gravity.**

B. Institutional framework

Positive developments

26. The Subcommittee notes that, in addition to designating the national preventive mechanism, the State party has made several other institutional changes since 2011. In May 2016, a process was in place to dissolve the penitentiary service, create a probation system and place penitentiary institutions directly under the authority of the Ministry of Justice. The Subcommittee also understands that the State party is considering transferring responsibility for penitentiary medical services to the Ministry of Health. Further, the Subcommittee commends the State party for the steps taken to renovate older detention facilities.

27. **The Subcommittee welcomes reforms to the institutional framework in Ukraine that may contribute to improving the material conditions and the provision of services in places of detention. The Subcommittee recommends that the State party continue its programme of renovating ageing detention facilities and requests that it be provided with information concerning progress made in the framework of that programme. It also recommends that medical services in criminal justice institutions be placed under the authority of the Ministry of Health, as that would help to ensure that persons in detention receive health care that is of a standard equal to that received by persons not in detention and ensure the independence of prison medical services.**

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[3] See the decree of the President of Ukraine No. 501/2015 of 25 August 2015 on approval of the national human rights strategy of Ukraine and the Action Plan on Implementation of the National Strategy in the Area of Human Rights for the Period until 2020 (ordinance of the Cabinet of Ministers No. 1393-p of 23 November 2015, appendix, "Countermeasures against torture, cruel, inhuman or degrading treatment or punishment", pp. 14-52).

[4] See the Committee against Torture's general comment No. 2 (2007) on the implementation of article 2, para. 9.

Social reintegration and rehabilitation

28. The Subcommittee notes that, in general, there is a lack of social services and reintegration programmes to prepare detainees for their return to society following their detention. In nearly every institution visited by the Subcommittee, detainees and staff indicated that they were not aware of community reintegration programmes and social services that would support detainees upon release. Where such programmes exist, benefits are not automatic. In mother and baby units, for example, programmes exist for women six months before their release, but they are not made available automatically and only around 50 per cent of women participate in such programmes. The Subcommittee is concerned that an absence of social assistance for mothers could have a detrimental effect on both mothers and their children after release. In addition, limited social support for all detained persons puts them at a high risk of recidivism.

29. **The Subcommittee recommends that the State party strengthen the services provided to detainees in order to ensure that social assistance, such as supported living and counselling, is in place and coordinated in order to ease detainees' transition back into society and prevent their return to detention.**

Mental health and substance abuse interventions

30. The Subcommittee is concerned that, despite an apparently high prevalence of detained persons with mental health problems, there is only a very limited system for mental health intervention in places of detention. The Subcommittee has observed that, in general, mental health assessments are not done routinely and that necessary treatment may be delayed or never provided, putting detained persons at risk of harm.

31. In addition, screening for substance abuse is not carried out on a routine basis. The Subcommittee noted that, in some cases, treatment for drug addiction was terminated upon entry into a place of detention and that, in some institutions, medical professionals were working in units separate from social workers and psychologists. Further, a lack of coordination — or an insufficient overall number of mental health professionals — resulted in a slow response to indicators of ill-health. Moreover, some institutions completely lacked psychologists or social workers.

32. **Recalling that regular monitoring of detainees' psychological well-being is fundamental to reducing the risk of ill-treatment, the Subcommittee recommends that the State party include routine mental health screenings in medical examinations given upon entry to a place of detention and that the State party incorporate assessments of mental health in daily check-ups conducted by adequately trained personnel. The Subcommittee also recommends that the State party ensure prompt access to mental health services and programmes, including access to a psychiatrist, upon referral by staff or through self-referral.**

33. **The Subcommittee further recommends that the State party make drug rehabilitation services universally available to persons in detention and that the State party evaluate ways to improve communication and collaboration between health, psychological and social service providers in detention facilities.**

Torture and ill-treatment

34. The Subcommittee has received numerous and serious allegations of acts that, if proven, would amount to torture and ill-treatment. Persons interviewed by the Subcommittee in various parts of the country have recounted beatings, electrocutions, mock executions, asphyxiations, acts of intimidation and threats of sexual violence against themselves and their family members. In the light of all the work done and experience gained during the visit, the Subcommittee has no difficulty in concluding that these allegations are likely to be true.

35. Many of the above-mentioned acts are alleged to have occurred while the persons concerned were under the control of the State Security Service or during periods of unofficial detention. In such cases, detainees accused of crimes relevant to the armed conflict in eastern Ukraine, such as offences under articles 109-115, 258, 260-261 and 437-438 of the Criminal Code, are alleged to have been tortured in order to extract information regarding their involvement or that of their associates in "separatist" activities and to

identify armed groups' military positions. The Subcommittee also understands that, in some cases, acts were committed by private individuals or volunteer battalions with the consent or acquiescence of public officials.

36. As it did during its 2011 visit (see CAT/OP/UKR/1, paras. 64 and 93-94), the Subcommittee also received allegations about the ill-treatment of detained persons, including juveniles, by the police during their apprehension and interrogation. Reports of juveniles being punched, kicked, burned and shocked with tasers were borne out by consistent interviews, observation of injuries and registers (even if such records were not always complete). Many detainees stated that, following ill-treatment by the police, they were prevented from entering pretrial detention facilities (SIZOs) because they had visible injuries and had therefore been kept in pretrial centres under the authority of the national police (ITTs) for their "faces to heal" before being registered and undergoing a medical examination at a SIZO.

37. In addition, it appears that prosecutors and judges are not particularly sensitive or sympathetic to complaints of torture and ill-treatment. A number of factors may contribute to this, including the already heavy workloads and limited training of prosecutors, the deference shown to police investigators given prosecutors' reliance on them for other cases and a tolerance for torture committed by "defenders" (volunteers fighting in eastern Ukraine), stemming from expressions of sympathy for their cause. During its visit, the Subcommittee observed that allegations of torture and ill-treatment were not raised — or were raised belatedly — by defence lawyers who preferred to focus on the criminal charges made against their clients, as it was only for dealing with those charges that the lawyers would be remunerated. In addition, the Subcommittee met many officials, including administrators, law enforcement officers and medical professionals, who did not feel it was their responsibility to report suspected cases of torture and ill-treatment.

38. When allegations of torture were looked into, some investigative steps, such as medical examinations, witness interviews and the provision of timely access to the scene of the events, were either severely delayed or completely thwarted. Moreover, the Subcommittee observed that accounts of suspicious injuries were treated in a variety of ways. In some cases, a report was forwarded to the prosecutor's office; in others, it was sent to the police. In any event, it was not clear that investigations systematically followed from such reports, perhaps because some were sent to the police officers accused of committing the act. In addition, a number of reports received no reply and others received only an initial acknowledgment.

39. **The Subcommittee recommends that the State party take urgent measures to prevent and punish all acts of torture and ill-treatment occurring at the hands of, or with the consent or acquiescence of, State officials. To that end, the Subcommittee recommends that the State party: (a) investigate all allegations of torture and ill-treatment through processes that are prompt, impartial and transparent, in addition to being efficient and effective; and (b) prosecute those responsible. Persons convicted for acts of torture and ill-treatment should be sanctioned with penalties commensurate with the severity of their crimes.**

40. **The Subcommittee also recommends that allegations of torture and ill-treatment, as well as suspicions of such acts arising from observable injuries and/or medical examinations, be systematically acted upon in the same way and that those making the allegations be protected from reprisals.**

41. **The Subcommittee further recommends that the State party establish and maintain a national register of all allegations of torture and ill-treatment that includes the following information:**

(a) **The details of each allegation received;**

(b) **An indication of the institution or location where the act or condition is alleged to have taken place;**

(c) **The date when the allegation was received;**

(d) **The rationale for the decision taken in respect of the allegation and the date of that decision;**

(e) **Any action taken as a result.**

42. **The Subcommittee recommends that the system of legal aid be reformed so that legal representatives of detainees are remunerated for all work done on behalf of their clients rather than only for the work done on the specific charge brought against them.**

IV. Situation of persons deprived of their liberty

A. Fundamental safeguards

Information on rights and on detention

43. The Criminal Procedure Code provides persons detained in criminal justice institutions the right to have documentation setting out the reasons for their detention and to have information on their rights.[5] The Subcommittee observed, however, that, in practice, many detainees were either not informed of those rights or were not informed of the reasons for their detention from the outset. In some cases, individuals were told at the time of their arrest to sign a document listing the relevant provisions of the Criminal Procedure Code without having had sufficient time to read and understand it. Others were given the document to keep. However, the text was too small, incomplete or barely legible. The Subcommittee noted that little or no information was provided explaining how to file complaints related to the violation of their rights. The Subcommittee is also concerned that many detainees appear to have signed forms waiving their right to legal assistance, suggesting that this is routine practice.

44. **The Subcommittee recommends that the State party ensure that all detained persons are fully informed of the reasons for their arrest or confinement, as well as of their rights as detainees, as soon as they are deprived of their liberty. It also recommends that information on rights be communicated in a clear and easily understandable way, for example through posters displayed in all places of detention, including in rooms and cells, and by distributing factsheets that are comprehensive, legible and intelligible to detainees, in their own language. It further recommends that all persons deprived of their liberty be informed (for instance, through leaflets and posters) of their right to submit direct and confidential complaints to administrators in places of detention and to higher-level authorities, including to those with remedial powers, and of how in practice this can be done in a secure and confidential fashion.**

Notification of custody

45. The Subcommittee regrets that the right to notify a family member or another chosen person of one's detention is not always ensured in practice. In particular, it is concerned that individuals who are held in places not recognized by the State party as official places of detention may be restricted in the information they can provide to an outside contact. For example, they may be permitted to mention the fact but not the place of their detention, or they may be prevented from notifying a third party of their custody for several weeks, which renders their situation a case of enforced disappearance.

46. **The Subcommittee recommends that the State party guarantee that, as a routine matter, all persons deprived of liberty are able to ensure that a third party of their choice is notified of where and when they have been detained from the outset of their detention.**

Access to a lawyer

47. The Subcommittee is concerned that the right to a lawyer is not routinely guaranteed in all institutions. During its visit, the Subcommittee noted instances where investigators had failed to contact detainees' lawyers shortly after apprehension. The Subcommittee also observed that access to a lawyer was sometimes interrupted, for example, when detainees were transferred to ITTs. In addition, in cases of unofficial detention, detainees did not have access to a lawyer as soon as they were deprived of liberty but only after they had been transferred to an institution recognized by the State party as an official place of detention.

[5] Criminal Procedure Code, articles 208 (4) and 212 (3.2).

which means that persons could be held and interrogated for prolonged periods without enjoying their right to legal advice.

48. As mentioned above, the Subcommittee welcomes the creation and continued development of a State-sponsored legal aid system. It is concerned, however, that in many cases lawyers have limited interaction with their clients, whom they often meet for the first time during the pretrial period or even at the court hearings, where they are unable to properly engage with detainees on a defence strategy. This is particularly true for legal aid lawyers provided by the State party, who detainees often consider to be underqualified or not impartial, improperly supporting the work of the investigators and pressuring them to confess.

49. Furthermore, the Subcommittee is concerned that, in some institutions, consultations between lawyers and detainees take place in investigation rooms that are under electronic surveillance. In other cases, written communication between lawyers and detainees is restricted, which means that detainees may only communicate confidentially during face-to-face meetings.

50. **The Subcommittee recommends that the State party ensure that all detainees have access to legal counsel from the outset of their deprivation of liberty and throughout the detention period.**

51. **The Subcommittee also recommends that the State party ensure that legal advice provided through its legal aid system is prompt, professional and given in the interests of the detainee, not of the detaining authorities. Appropriate training should be provided by independent professional bodies to lawyers providing legal aid. The Subcommittee further recommends that such training be extended to include counsel representing detainees accused of crimes in connection with the armed conflict in eastern Ukraine. The Subcommittee reiterates the recommendation made in paragraph 42 above.**

52. **The State party is urged to guarantee the absolute confidentiality of communications between lawyers and their clients.**

Medical care and examination

53. Through its analysis of medical registers at all institutions and its interviews with detainees, the Subcommittee notes that detained individuals undergo a routine medical examination, including screening for HIV and tuberculosis, at the start of their deprivation of liberty. The Subcommittee has observed, however, that, despite this, some detainees' medical records appear repetitive or scant, which suggests that such examinations are superficial in nature. In a number of SIZOs, in particular, detainees are simply asked if they have any medical complaints instead of being examined by a health practitioner. Where injuries are recorded, there is no indication of how the injuries were sustained. Moreover, medical examinations are often performed in the presence of other officials, such as members of the convoy or guards on duty, which infringes upon confidentiality and may discourage a discussion of injuries resulting from torture and ill-treatment. The Subcommittee has also noted that medical examinations have been conducted through cell bars or within metal "cages" in cells.

54. The Subcommittee is concerned that, as with other fundamental safeguards, medical examinations do not appear to be guaranteed to those who, despite being deprived of liberty, are not held in places recognized by the State party as official places of detention.

55. The Subcommittee has also observed that medical personnel are generally unfamiliar with the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). While the Subcommittee is encouraged to hear that medical professionals in SIZOs, ITTs and penitentiaries feel they are appropriately supported and can perform their work autonomously, the Subcommittee is concerned that medical professionals in places of detention do not consider it their duty to question whether injuries observed may be the result of torture and ill-treatment. The Subcommittee further notes that medical professionals in criminal justice institutions consider the head of the facility as their immediate supervisor. This supervisory chain may result in conflicts of interests that could deter health professionals from reporting injuries evidencing torture or ill-treatment.

56. Moreover, the Subcommittee notes that access to medical care is inconsistent, with many reported cases of medical assistance being delayed or denied. Despite the general availability of medical personnel in places of detention, different institutions are disparately equipped and often detainees must ask family members or donors to provide needed medication and personal hygiene products. Visits to outside specialists and institutions are rarely undertaken. Moreover, during its visit, the Subcommittee regularly encountered medical professionals who were insensitive to the medical needs of detainees, including staff who hesitated to respond to reports of worsening physical and psychiatric symptoms they interpreted as merely bad behaviour.

57. **Reiterating the recommendations made in 2011 (see CAT/OP/UKR/1, paras. 76 and 80), the Subcommittee encourages the State party to guarantee that, as a routine matter, all persons undergo a thorough medical examination as soon as they are deprived of liberty. It is recommended that such an examination record:**

(a) **A detainee's medical history, including any allegations of recent violence, torture or ill-treatment;**

(b) **The existence of any discomfort or symptoms;**

(c) **The result of the clinical examination, including a description of any injuries observed and an account of how such injuries were sustained;**

(d) **An indication of whether the whole body was examined;**

(e) **The health professional's conclusion as to whether all recorded elements are consistent.**

58. **The Subcommittee recommends that all medical examinations maintain the principle of medical confidentiality: only medical personnel should be present during the examination. It also recommends that the State party discontinue the practice of performing medical examinations through bars, since such examinations are demeaning by nature and lack the thoroughness envisioned in the Istanbul Protocol.**

59. **The Subcommittee recommends that the State party ensure that all persons deprived of liberty are given a thorough medical examination, regardless of whether they are held in a location officially registered as a place of detention in the State party or not.**

60. **The Subcommittee also recommends that the State party improve its training of medical personnel working in places of detention, particularly on the Istanbul Protocol and other international standards, as well as on the duty to detect and report torture and ill-treatment. If a health professional has grounds for suspecting the existence of torture or ill-treatment, the Subcommittee recommends that this be registered in a national register of allegations of torture and ill-treatment, either with the consent of the examined person (so that the case may be referred to expressly) or, if such consent is refused, as an anonymous case. In addition, the Subcommittee recommends that health professionals immediately report suspicions of torture and ill-treatment to the appropriate authorities, with the consent of the detainee, so that an independent examination may be conducted in accordance with the Istanbul Protocol. The confidential medical report should be made available to the detainee and to his or her counsel.**

61. **Finally, the Subcommittee recommends that medical care and assistance be guaranteed and accessible to all detained persons upon their request.**

Registers

62. The Subcommittee notes that the current system for recording the status of detainees needs improvement. In particular, during its visit the Subcommittee observed that registers in SIZOs contained individual sheets of paper originating from a number of different institutions that, together, made up a single file. That record-keeping system was made more complicated by the transfer of detainees from SIZOs to ITTs — sometimes in other parts of the country — for investigative purposes and court hearings during which time the files were transferred with them. Such transfers were inconsistently recorded, making it difficult to track the location of a person under investigation. In addition, in some instances, no record was left at the sending institution that would account for a transferred detainee's

presence at or absence from that institution. The system is one in which it is easier to lose persons rather than to find them. It is inefficient, incoherent and, from a preventive perspective, wholly inadequate, as it fails to allow easy independent oversight of the movement of individuals by external mechanisms.

63. The Subcommittee also observed that, in State Security Service facilities, individuals could be deprived of their liberty for periods lasting from several hours to several days before they were considered to have been officially detained. Although the detainees were already under the control of investigate units and processes, there was no systematic recording of their whereabouts or well-being available for scrutiny.

64. **The Subcommittee recommends that the State party review and reform its system of record-keeping in order to ensure that records are, at all times, comprehensive, accurate, precise and up to date. It is recommended that registers be uniform and accessible to detainees' authorized representatives and next of kin, as well as to the national preventive mechanism. Furthermore, the Subcommittee recommends that the system to be introduced is such that a third party may easily follow the movement, location and well-being of a person in detention without the need to locate and examine numerous files, papers or slips.**

65. **The Subcommittee recommends that the State party keep such records for all persons deprived of their liberty, regardless of whether they are kept in a location officially registered as a place of detention by the State party.**

Contact with the outside world

66. The Subcommittee remains concerned that, for persons in pretrial detention, visits by family members and others are only allowed with the express permission of investigating officers (see CAT/OP/UKR/1, paras. 105-106). In practice, such permissions are rarely granted, resulting in detainees' isolation from the outside world. Policies for telephone calls vary among SIZOs and ITTs, with some places allowing video calls so long as a guard is present and others restricting calls entirely. Given the lack of mail service in many areas affected by the conflict in eastern Ukraine, restrictions on the use of telephones can completely disconnect detainees seeking to communicate with individuals in those areas. Authorizations to send letters to relatives and others also vary, with some SIZOs restricting that right. It has also been reported that institutions may excessively limit contacts so that, in practice, visits and telephone calls are more restricted than what is required by law.

67. The situation is exacerbated for detainees accused of crimes in connection with the armed conflict in eastern Ukraine who undergo lengthy investigations and therefore face protracted periods of pretrial detention, a situation which prolongs the period during which their outside contacts are restricted.

68. **The Subcommittee recommends that the State party enable family members and others to visit and communicate with persons in pretrial detention centres as a matter of both law and practice. It also recommends that any restrictions imposed on contacts are made only in exceptional circumstances and that the State party ensure that its policy on outside contacts applies equally in all similar institutions, such as in all SIZOs.**

Complaint and oversight mechanisms

69. As mentioned in paragraphs 18, 37-38 and 43 above, the mechanisms currently in place to respond to procedural concerns, for example about conditions and allegations of torture and ill-treatment, could be strengthened. Detainees have asserted that the complaints mechanisms that exist, including those within the Prosecutor General's Office, the courts and the national preventive mechanism, have proven ineffective since they fail to provide complainants with substantive hearings or meaningful remedies.

70. The Subcommittee is also concerned that an apparent fear of reprisals precludes some detainees from seeking protection through such mechanisms. Detainees have stated that if they submit a complaint they may be accused of "disobedience" (Criminal Code, art. 391) and subject to disciplinary sanctions. They have also cited fear of abuse from detention personnel and from other detainees as additional deterrents. Furthermore, the

Subcommittee has been informed that, in some SIZOs, only submissions sent to the court are sealed whereas general complaints must be passed from guards on duty to the administration in open form, which again has the effect of deterring detainees from reporting concerns.

71. Moreover, the Subcommittee remains concerned about the multiplicity of roles exercised by public prosecutors, who are tasked both with conducting criminal investigations and prosecutions and with overseeing the legality and rights compliance of those same processes (see CAT/OP/UKR/1, paras. 25-27). That inherent conflict of interest may prevent the conduct of speedy and thorough investigations into claims of torture and ill-treatment. For example, during its visit the Subcommittee saw documentation from a case of alleged ill-treatment that had been summarily dismissed by a prosecutor's office with no accompanying rationale given, which implies that no investigation had taken place.

72. **The Subcommittee recommends that the State party guarantee the right to submit complaints, both in law and in practice (see CAT/OP/UKR/1, paras. 18-20). It also recommends that detainees be empowered to submit complaints directly and confidentially to administrators in places of detention, to higher-level authorities, as necessary, and to authorities with remedial powers. The Subcommittee encourages the State party to bolster its monitoring and complaints mechanisms by giving such mechanisms the power to grant effective remedies.**

73. **The State party is urged to protect complainants from reprisals and any other form of prejudice.**

74. **Finally, the Subcommittee reiterates its recommendation that the multiple roles of public prosecution be revised in order to enhance the independence and effectiveness of investigations into allegations of torture and ill-treatment (see CAT/OP/UKR/1, para. 55).**

B. Specific concerns

Detainees accused of crimes in connection with the armed conflict in eastern Ukraine

75. During its visit, the Subcommittee was alarmed to discover that fundamental safeguards were not being applied to detainees accused of crimes in connection with the armed conflict in eastern Ukraine, who claimed, as a pattern, to have been deprived of liberty first in secret places of detention, where they were interrogated for up to several days before being transferred to State-recognized institutions. It was only after they were taken to State-recognized detention centres that their detention was registered, albeit under a misreported time of arrest. It is worrying that detainees were apparently held incommunicado and not afforded a medical examination nor given access to a lawyer at the onset of their detention, official or otherwise.

76. As mentioned above, the Subcommittee has received consistent allegations of torture and ill-treatment in this process (see para. 35).

77. The Subcommittee is further concerned about the fact that, according to article 176 (5) of the Criminal Code, custody is the only measure of restraint for those accused of crimes in connection with the conflict, given the restrictions placed on pretrial detainees and the tendency of their cases to last several months. With courts universally extending detention to the maximum legal limits and frequently postponing hearings, detainees accused of crimes in connection with the armed conflict in eastern Ukraine are held under a regime that greatly restricts occupational activities, outside contacts and access to fresh air for periods exceeding 18 months.

78. **The Subcommittee recommends that the State party ensure that fundamental safeguards, including the right to a lawyer, notification of custody and contact with the outside world, are applicable to all detainees, regardless of the reason for or the place of detention.**

79. **Given the heightened risk of torture and ill-treatment in undisclosed places of detention, the Subcommittee recommends that the State party cease its use of such places.**

80. **The Subcommittee recommends that the State party guarantee to international and national monitors, including the national preventive mechanism, the United Nations human rights monitoring mission in Ukraine, the Special Monitoring Mission to Ukraine of the Organization for Security and Cooperation in Europe and the International Committee of the Red Cross, full and open access to all places where people are or may be deprived of their liberty, regardless of whether those places have been recognized officially as detention facilities.**

81. **Furthermore, the Subcommittee recommends that the State party ensure that all individuals, including those accused of offences under articles 109-115, 258, 260-261 and 437-438 of the Criminal Code, be tried without undue delay, in accordance with fair trial standards established by international human rights law.**

82. **Recalling the absolute prohibition of torture contained in article 2 (2) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states that "no exceptional circumstances whatsoever, whether state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture", the Subcommittee reiterates its recommendation that all allegations of torture and ill-treatment be investigated and prosecuted, and that penalties be imposed that are commensurate with the grave nature of such acts.**

Persons serving a life sentence

83. In line with observations made in its 2011 visit report, the Subcommittee is concerned that the situation of persons serving a life sentence is inhumane (see CAT/OP/UKR/1, paras. 128-132). In SIZOs around the country, including those visited in Kharkiv, Lviv, Bakhmut, Mariupol and Zaporizhzhia, the Subcommittee observed cells that were small, poorly ventilated and humid, with appalling hygiene and a lack of sanitation. The cells were also bare, with inadequate toilet facilities and bedding. Some cells were also dark, while in others detainees were subjected to artificial lighting on a continuous basis.

84. Those conditions were exacerbated by the imposition of a strict regime. Assumed to be dangerous despite not having undergone an individual risk assessment, persons serving a life sentence were obliged to remain in their cells 23 hours a day without the opportunity to undertake occupational or recreational activities. Access to exercise facilities was inadequate. In addition, detainees reported being handcuffed when taken out of the cell for exercise and during medical examinations. Such a blanket regime, which is stricter than that applied to other prisoners, is equivalent to placing such prisoners under disciplinary measures for the duration of their detention.

85. **The Subcommittee reiterates its recommendation that the State party improve the material conditions in cells, including in respect of water and sanitation, and that it remedy the lack of activities for persons serving a life sentence (see CAT/OP/UKR/1, para. 132).**

86. **The Subcommittee recommends that the State party reform the regime applied to persons serving a life sentence so that they are not uniformly punished in excess of what their sentence requires. It also recommends that such prisoners, like other detainees, serve their sentence according to a treatment plan designed on the basis of an individual security assessment.**

Transfers

87. The Subcommittee is concerned about the system of transferring detainees from one institution to another. In particular, frequent transfers between SIZOs in different parts of the country and from SIZOs to ITTs disrupt detainees' daily routines, their contact with the outside world and their access to legal counsel, among other safeguards. Such transfers may also relegate detainees to institutions, such as ITTs, that do not provide the same material conditions and access to occupational activities as penitentiaries, for prolonged periods. Moreover, when carried out without a well-articulated investigative purpose, frequent transfers may be employed to intimidate or punish detainees. As mentioned in paragraph 61 above, the system for registering these transfers is also problematic.

88. Moreover, the Subcommittee observed that the vehicles used for such transfers were dark, lacking in ventilation and divided into small, cramped cages, with one cage measuring a mere 90 cm^2. The Subcommittee is concerned about reports that detainees are not provided food or water when they are transferred to participate in procedural actions and court hearings, even when such transfers last several days.

89. **The Subcommittee recommends that the State party evaluate its system of transfers to ensure that transfers are made only after appropriate justifications and that they do not result in detainees being held in short-term detention centres, such as ITTs, for lengthy periods. The Subcommittee also recommends that the State party guarantee that fundamental safeguards, including access to the outside world, legal counsel and medical care, are not unnecessarily interrupted by frequent transfers.**

90. **The Subcommittee recommends that the State party replace vehicles lacking sufficient space and ventilation. It also recommends that it discontinue the use of full metal cages, which endangers detainees in transport. The Subcommittee further recommends that the State party provide detainees with the food and water to which they are entitled while deprived of their liberty.**

Children and detention

Mother and baby units

91. The Subcommittee positively notes the clean, bright and well-equipped premises for mothers and babies in Chernihiv and Chornomorsk prison colonies. The Chernihiv unit, in particular, includes a playroom, instruments and individual sleeping quarters where detained mothers who have recently given birth can stay with their children. Nevertheless, the Subcommittee considers that these premises can be further adapted for children. For example, rooms for family visits are sterile and lack child-friendly decoration. Visiting rooms in both locations have glass separators, which deprives detainees and their children of the opportunity to bond with visitors in a familial atmosphere. Finally, pregnant women are held with the general prison population in group dormitories located in older, poorly lit facilities.

92. Despite the relatively good material conditions in mother and baby units, the Subcommittee is concerned about the psychological well-being of mothers kept there. It notes with concern the fact that babies are separated from their mothers for several days after birth and during periods of serious illness, which causes anxiety to mothers and could hinder the socialization of their children. While mothers who have given birth live in bright, en suite accommodations with their children in Chernihiv, in Chornomorsk mothers and children do not live together but meet for only two hours twice a day, which is an insufficient bonding period for children's early development. In addition, as mothers and children share mealtimes, mothers who wish to assist their children during that time must forfeit their own food. The Subcommittee notes with approval the placement of a child psychologist as head of unit in Chernihiv, where mothers and children also benefit from a wide range of activities. However, comparable activities were not observed in Chornomorsk, where there was a lack of records documenting detainees' psychological and psychiatric history. Moreover, detainees in Chornomorsk showed signs of emotional distress, including tangible anxiety and visible laceration scars on the arms of some women.

93. The Subcommittee is concerned about the treatment of women in Chornomorsk, where abuse and forced labour have been reported. In particular, the Subcommittee has received reports of staff and caregivers verbally abusing mothers and acting aggressively towards their small children. During its visit, the Subcommittee observed detainees being intimidated and made to stand upon the entrance of unit personnel. In addition, the Subcommittee has been made aware of harsh measures, including isolation for up to 10 days and separation from children, imposed as disciplinary measures for infractions. The Subcommittee further notes that all non-pregnant women detained there are required to work, for negligible compensation. In addition, it is alleged that mothers have been punished as retribution for reporting abuses, including by being forced to carry out uncompensated manual labour.

94. **The Subcommittee recommends that the State party adapt units accommodating mothers and children to enhance familial bonding between detained**

mothers and their children, as well as between them and their visitors. The Subcommittee also recommends that pregnant women be accommodated in renovated facilities in order to maintain both their privacy and their health.

95. **The Subcommittee further recommends that the State party ensure the provision of appropriate psychological care to pregnant women and new mothers to reduce the risk of psychological suffering and to minimize the negative effects of detention on children. The State party should provide additional counselling, health-care treatment and medication, as needed.**

96. **Similarly, the Subcommittee recommends that the State party reorganize the mother and baby unit in Chornomorsk, using the Chernihiv unit as a model, so that mothers and babies may live together in appropriate facilities. It also recommends that mothers and children be separated only in cases of acute medical need and that decisions about such separations be made on a case-by-case basis, keeping in mind the best interests of the mother and child. Furthermore, the Subcommittee recommends that the State party increase resources to these units in order to minimize fiscal dependency on outside donors.**

97. **The Subcommittee requests that the State party urgently address reported ill-treatment of women in the Chornomorsk mother and baby unit. The State party is encouraged to strengthen oversight of that unit and to guarantee effective remedies as a result, including the removal of abusive staff. The Subcommittee recommends that protection against reprisals be guaranteed to ensure the accuracy of information received by oversight mechanisms.**

Reception centres for children

98. The Subcommittee notes that, following the 2012 revision of the Criminal Procedure Code, child reception centres lack a clear legal status and accommodate only a limited number of children. The Kyiv centre, for example, accommodates no more than five children at a time, despite a capacity of 40 and a complement of 20 on-duty staff. The Subcommittee understands that children are kept in such centres as a transitional measure before being sent to another place of detention or transferred abroad. However, as those institutions do not appear to have comprehensive operating principles, their status in the system of detention is unclear and the Subcommittee is concerned that children can be held in them for up to 30 days without benefiting from a regulated regime of educational and social activities.

99. **The Subcommittee recommends that the State party clarify the role of child reception centres in its system of detention, providing an appropriate legal basis and adequate funding for institutions that have been kept open following the revision of the Criminal Procedure Code. It also recommends that the State party provide sufficient resources for age-specific interventions, as in others places of detention, including continuous education, social services and medical care.**

Mental health institutions

100. The Subcommittee is concerned about the process of admitting children to mental health institutions, given that there is apparently no court supervision of the process nor of the medical treatment provided. While administrators confirm that children over 14 years of age are required by law to give consent before being placed in a mental health institution, the Subcommittee is not confident this is always done in practice. In addition, children under 14 years of age are not consulted and do not appear to be informed before they receive psychiatric interventions. For example, the Subcommittee has learned that children who are patients in mental health institutions may have medication put in their meals if they refuse treatment. Furthermore, it appears that the children's unit of the Pavlova City Psychiatric Hospital lacks a formal complaints mechanism. Instead, concerns about involuntary treatment have been expressed and responded to orally.

101. **The Subcommittee recommends that the State party conduct routine, case-by-case verifications of the legal competence of patients upon admission before substituting the decisions of others, including relatives and medical personnel, for that of the patients. For child patients, it is recommended that information about their health status and rights, potential interventions and alternatives to medical treatment**

be provided in an age-appropriate format that enables them to understand their health status, treatment options and the remedies available. Decisions concerning legal capacity, involuntary hospitalization and involuntary treatment should be subject to judicial oversight.

Boarding schools

102. While positively noting the dedicated staff and community atmosphere at Darnytskyi orphanage boarding school in Kyiv, the Subcommittee is concerned that the institution is not provided with sufficient resources to accommodate children living there according to international standards. The Subcommittee found that the ratio of children to teachers is around 15 to 1, which is insufficient given that the children possess a range of intellectual and physical disabilities and that each staff member is tasked with attending to, educating and supervising children under his or her care. The Subcommittee is concerned that the salary of staff, which is around Hrv 2,400 ($90) per month, is not sufficient compensation for the work done and that staff do not have the resources needed to deal with demanding conditions, including inevitable incidents of violence and difficult behaviour. Moreover, the Subcommittee has observed that both children and staff occupy tight living quarters, with many persons sharing relatively small rooms.

103. **The Subcommittee recommends that the State party increase financial and human resources to the Darnytskyi orphanage boarding school and to other similarly situated institutions in order to ensure the ability to accommodate children with intellectual and physical disabilities according to international standards. With additional resources, the Subcommittee recommends that the State party renovate the facilities to increase residents' private sleeping and living space. The Subcommittee further recommends that the State party increase staff salaries.**

Criminal justice institutions

104. While understanding the State party's efforts to ensure that juveniles are not isolated, the Subcommittee is concerned that children may be placed on the same premises as adults in criminal justice institutions, which may, among other things, expose them to sexual violence. The Subcommittee notes, in particular, that female juveniles can be placed with women in Mikolayiv SIZO if authorized by the prosecutor. In addition, during its visit to Kyiv SIZO, the Subcommittee observed a girl sharing a cell with a woman, in a building separate from the one where juvenile males reside, raising the concern that she might not benefit from the same educational opportunities and social interaction as those enjoyed by her male peers. In Kyiv SIZO, the Subcommittee also noticed that boys were accommodated in a men's wing.

105. During its visit, the Subcommittee met children detained in SIZOs with bright rooms, access to books and good hygienic conditions, but notes that the quality of those conditions was subject to parental and other outside support. That being the case, the Subcommittee remains concerned about children in SIZOs and ITTs, where it also observed juveniles detained in dimly lit cells, with poor hygiene and dirty clothes, and where it has received reports of illness-inducing food.

106. **The Subcommittee recommends that the State party introduce alternatives to detention for juveniles, who ought to be detained only as a measure of last resort. Where detention is absolutely necessary, the Subcommittee recommends that the State party ensure that all juveniles benefit from educational and recreational opportunities, as well as peer interaction, on an equal basis. The Subcommittee recalls that international guidelines envisage separate regimes for juveniles and adults in detention.**[6]

107. **The Subcommittee recommends improvements in terms of hygiene, ventilation and climatic conditions in cells occupied by juveniles, according to international**

[6] See the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), rule 29; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), rules 13.4 and 26.3; and the Convention on the Rights of the Child, art. 37.

standards. It recommends that facilities for juveniles receive natural light and that the food provided be of nutritional value and adequate for health.

V. Repercussions of the visit

108. In accordance with article 15 of the Optional Protocol, the Subcommittee calls upon Ukraine to ensure that there are no reprisals following the Subcommittee's visit. To that end, it requests that the State party provide detailed information in its reply on what it has done to prevent potential reprisals against anyone who provided information to the Subcommittee.

109. The Subcommittee urges the State party to cooperate fully with the Subcommittee and to ensure that, during future visits, the Subcommittee face no obstacles in exercising its mandate, which would again cause it to consider the success of its mission to be in jeopardy. Should such obstacles present themselves, the Subcommittee may use all appropriate measures to address them, including the issuance of a public statement or the release of its preliminary findings, as provided for in article 16 (4) of the Optional Protocol. The Subcommittee may also utilize all good offices available within the United Nations system or other appropriate forums.

Annex I

List of places of deprivation of liberty visited by the Subcommittee

I. May 2016

Facilities under the Ministry of Internal Affairs

Pre-trial centre of the Main department of the National Police in Odesa ('Odesa ITT')

Pre-trial centre of the Main department of the National Police in Druzhkivka ('Druzhkivka ITT')

Pre-trial centre of the Main department of the National Police in Kramatorsk ('Kramatorsk ITT')

Reception centre for kids of the Main Department of the National Police in Kyiv

Facilities under the Ministry of Justice

Artemivsk penitentiary institution of the Department of the State Penitentiary Service of Ukraine in Donetsk region (№6) ('Artemivsk SIZO')

Chernihiv Penitentiary Colony of the Department of the Penitentiary Service of Ukraine in Chernihiv region (№ 44)

Kharkiv penitentiary institution of Department of the State Penitentiary Service of Ukraine in Kharkiv region (№ 27)

Kyiv detention facility of the Department of the Penitentiary Service of Ukraine in Kyiv and Kyiv region ('Kyiv SIZO')

Kherson detention facility of the Department of the Penitentiary Service of Ukraine in Kherson region ('Kherson SIZO') (MOJ)

Mykolaiv detention facility of the Department of the State Penitentiary Service of Ukraine in Mykolaiv region ('Mykolaiv SIZO')

Mariupol detention facility of the Department of the State Penitentiary Service of Ukraine in Donetsk region ('Mariupol SIZO')

Odesa penitentiary institution of Department of the State Penitentiary Service of Ukraine in Odesa region (№ 21) ('Odesa SIZO')

Dnipropetrovsk penal institution of the Department of the State Penitentiary Service of Ukraine in Dnipropetrovsk region (№4) ('Dnipropetrovsk SIZO')

Chornomorsk penal colony of Department of the State Penitentiary Service of Ukraine in Odesa region (№ 74)

Facilities under the Ministry of Health

Pavlova City Psychiatric Hospital, Kyiv

Facilities under the Ministry of Social Policy

Darnytskyi orphanage boarding school, Kyiv

Facilities under the State Security Service

SBU Premises in Kharkiv (delayed access)

Places of deprivation of liberty obstructed from visiting

Facilities under the State Security Service

SBU Premises in Kramatorsk

SBU Premises in Konstantinovka

SBU Premises in Mariupol

SBU Premises in Odesa

II. September 2016

Facilities under the Minsitry of Internal Affairs

Pre-trial centre of the Main department of the National Police in Pustomiti ('Pustomiti ITT')

Pre-trial centre of the Main department of the National Police in Mariupol ('Mariupol ITT')

Mariupol

Pre-trial centre of the Main department of the National Police in Kramatorsk ('Kramatorsk ITT')

Facilities under the Ministry of Justice

Lviv pre-trial institution of the State Penitentiary Service of Ukraine in Lviv region ('Lviv SIZO')

Zaporizhzhia pre-trial institution of the State Penitentiary Service of Ukraine in Zaporizhzhia region ('Zaporizhzhia SIZO')

Facilities under the State Security Service

SBU Premises in Lviv

SBU Premises in Zaporizhzhia

SBU Premises in Mariupol

SBU Premises in Kramatorsk

Annex II

List of government officials and other persons with whom the Subcommittee met

I. May 2016

Authorities

Ministry of Foreign Affairs

Antonina Vitaliivna Shlyakotina, First Secretary, Human Rights and Council of Europe Unit, Department for International Organizations

Ministry of Justice

Sergiy Petukhov, Deputy Minister of Justice for European Integration

Natalia Sevosianova, First Deputy Minister of Justice for European Integration

Tamara Andriieva, Director of the International Law Department

Luidmyla Sugak, Deputy Director of the International Law Department

Olena Orendivska, International Law Department, International Treaties Division, Deputy Head of Legal Expertise

Office of the Prosecutor General

Dmytro Volodymyrovych Huzyr, Prosecutor, Division of International Legal Cooperation, International Cooperation Unit

State Penitentiary Service

Vladyslav Ivanovych Klysha, Head of international activities and cooperation with the media

Mykola Petrovych Ityai

Oleksandr Lvovych Etnis

Vitalli Vasylovych Khvedchuk

Oleksandr Volodymyrovych Nuzhnyui

State Migration Service

Ivan Anatoliyovych Rybalko, Head of the organization of reception centers and temporary stay of refugees and foreigners, Department of Foreigners and Stateless Persons

State Border Service

Oleg Oleksiyovych Laba, Head of the analysis of illegal migration and readmission unit; Colonel

State Security Service

Olexander Petrovych Sychevskii, Central Investigation Department

Igor Vasylovych Demchenko, Head of Preliminary Investigation Division; Colonel

Ministry of Defense

Olexandr Radyslavovych Pelts, Head of the Division of Health, Patrol-guard service and Investigation, Main Department of Military Service; Colonel

Ministry of Internal Affairs

Eugeniy Valeriyovych Dziuba, Acting Head of the Human Rights Division, National Police

Olexandr Mykhailovych Guzmenuik, Deputy Head of the Department of Analytical Provision and Rapid Response, National Police

Ministry of Social Policy

Oksana Sulima, Deputy Director of the Department of Social Services

Lilia Voloshenko, Chief Specialist of the Department of Social Protection of Children's Rights and Adoption

Alla Anatoliivna Karpova, Head of the organization of social service institutions unit, Division for the elderly and social services

Olena Mykhailivna Osypenko, Chief Expert of the organization of social service institutions unit, Division for the elderly and social services

Kyrylo Gyrgorovych Dombrowskyi, Head of the sector on protection of housing and property rights of the Department for the protection of children and adoption

Ministry of Education and Science

Viktoriia Borysivna Sydorenko, Chief Specialist, Organizational and educational activities and social issues Unit, Professional and Technical Work Department

Valentyna Oleksandrivna Klemyuk, Chief Specialist, Education of children with Special Needs Unit, Department of Secondary and Primary Education

Ministry of Health

Vasyl Vitaliyovych Kravchenko, Director of the Medical Department

Sergiy Sergiyovych Shum, Member, Acting Commission on Issues of Change (Correction) of Sexuality

Yuriy Borysovych Polischuik, Chief Specialist, Medical Department

Olexandr Vadymovych Tsiomik, Secretary of the Permanent Acting Commission on Issues of Change (Correction) of Sexuality

The Verkhovna Rada (Parliament) of Ukraine

Ruslan Mykhailovych Sydorovych, Member

Igor Sergiyovch Alekseev, Member

Igor Vasyliovych Kolisnyk, Member

Valeriy Vasyliovych Patskan, Member

Tetiana Mykolaivna Kyrylyuk, Senior Consultant of the Secretariat of the Committee on Legal Policy and Justice

Andriy Vasyliovych Koshman, Senior Consultant of the Secretariat of the Committee on Legal Policy and Justice

National Preventive Mechanism

Ukrainian Parliament Commissioner for Human Rights

Valeriya Lutkovska, Parliament Commissioner for Human Rights

Bohdan Kryklyvenko, Head of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights

Ekaterina Chumak, Acting Head of the National Preventive Mechanism Department, Secretariat of the Ukrainian Parliament Commissioner for Human Rights

(And additional staff)

Others

United Nations Agencies

United Nations Human Rights Monitoring Mission in Ukraine

Other International Organizations

European Union Delegation

Organization for Security and Co-operation in Europe Special Monitoring Mission to Ukraine

Civil Society

Amnesty International Ukraine

Centre for Civil Liberties

Health Right International

Human Rights Information Centre

Insight

International Medical Rehabilitation Center

Kharkiv Human Rights Protection Group

Ukrainian Helinski Human Rights Union

II. September 2016

Authorities

Ministry of Foreign Affairs

Antonina Vitaliivna Shlyakotina, First Secretary, Human Rights and Council of Europe Unit, Department for International Organizations

Ministry of Justice

Natalia Sevosianova, First Deputy Minister of Justice for European Integration

Luidmyla Sugak, Deputy Director of the International Law Department

Office of the Prosecutor General

Maksym Vorotintsev, Prosecutor, Department for International Cooperation

Oleksandr Prokopov, Head of Branch for Oversight over Compliance with Laws and Execution of Court Decisions in Criminal Proceedings, Department for Investigation of Crimes against the National Security of Ukraine, Office of the Chief Military Prosecutor

Oleksandr Sorochko, Prosecutor, Branch for Oversight over Compliance with Laws and Execution of Court Decisions in Criminal Proceedings, Department for Investigation of Crimes against the National Security of Ukraine, Office of the Chief Military Prosecutor

State Penitentiary Service

Vladyslav Ivanovych Klysha, Head of international activities and cooperation with the media

State Migration Service

Ivan Anatoliyovych Rybalko, Head of the organization of reception centers and temporary stay of refugees and foreigners, Department of Foreigners and Stateless Persons

State Border Service

Andrii Ivanskyi, Senior Officer, Department of Administrative Proceedings

State Security Service

Oleksandr Tkachuk, Director of the Office of the Head

Oleh Riznychenko, Deputy Head, Centre for International Cooperation

Ihor Huzkov, Central Apparatus

Ministry of Defense

Yurii Khoroshunov, Deputy Head, Department for Organization of Security Patrol, Checkpoint Service and Search, Main Department of Military Police, Armed Forces of Ukraine

Oleh Hushchin, Assistant to the Head of the Administrative Department of the General Staff of the Armed Forces of Ukraine

Ministry of Internal Affairs

Olexandr Mykhailovych Guzmenuik, Deputy Head of the Department of Analytical Provision and Rapid Response, National Police

Ministry of Social Policy

Oksana Sulima, Deputy Director of the Department of Social Services

Ministry of Education and Science

Viktoriia Borysivna Sydorenko, Chief Specialist, Organizational and educational activities and social issues Unit, Professional and Technical Work Department

Valentyna Oleksandrivna Klemyuk, Chief Specialist, Education of children with Special Needs Unit, Department of Secondary and Primary Education

Ministry of Health

Yuriy Borysovych Polischuik, Chief Specialist, Medical Department

National Preventive Mechanism

Ukrainian Parliament Commissioner for Human Rights

Valeriya Lutkovska, Parliament Commissioner for Human Rights

Bohdan Kryklyvenko, Head of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights

Others

United Nations Agencies

United Nations Human Rights Monitoring Mission in Ukraine

United Nations Resident Coordinator and UNDP Resident Representative